

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 153

## **HOUSE BILL 2609**

AN ACT

AMENDING SECTIONS 21-202, 21-222 AND 21-336, ARIZONA REVISED STATUTES;  
RELATING TO JURIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 21-202, Arizona Revised Statutes, is amended to  
3 read:

4 21-202. Persons entitled to be excused from jury service

5 A. It is the policy of this state that all qualified citizens have an  
6 obligation to serve on juries when summoned by the courts of this state,  
7 unless excused.

8 B. On timely application to the court, the following persons shall be  
9 excused temporarily from service as a juror if any of the following apply  
10 APPLIES:

11 1. The prospective juror has a mental or physical condition that  
12 causes the juror to be incapable of performing jury service. The juror or  
13 the juror's personal representative shall provide the court with a medical  
14 statement from a physician who is licensed pursuant to title 32 that verifies  
15 that a mental or physical condition renders the person unfit for jury  
16 service.

17 2. Jury service by the prospective juror would substantially and  
18 materially affect the public interest or welfare in an adverse manner.

19 3. Jury service would cause undue or extreme physical or financial  
20 hardship to the prospective juror or a person under the prospective juror's  
21 care or supervision. For the purposes of this paragraph:

22 (a) A judge or jury commissioner of the court for which the person was  
23 called to jury service shall determine whether jury service would cause the  
24 prospective juror undue or extreme physical or financial hardship.

25 (b) A person who requests to be excused under this paragraph shall  
26 take all actions necessary to obtain a ruling on the request before the date  
27 on which the person is scheduled to appear for jury duty.

28 (c) Undue or extreme physical or financial hardship is limited to the  
29 following circumstances in which a person:

30 (i) Would be required to abandon a person under the potential juror's  
31 care or supervision due to the impossibility of obtaining an appropriate  
32 substitute caregiver during the period of participation in the jury pool or  
33 on the jury.

34 (ii) Would incur costs that would have a substantial adverse impact  
35 on the payment of the person's necessary daily living expenses or on those  
36 for whom the potential juror provides regular employment or the principal  
37 means of support.

38 (iii) Would suffer physical hardship that would result in illness or  
39 disease.

40 (iv) Is not currently capable of understanding the English language.

41 (d) Undue or extreme physical or financial hardship does not exist  
42 solely based on the fact that a prospective juror will be required to be  
43 absent from the prospective juror's place of employment.

1 (e) A person who requests to be excused under this paragraph shall  
2 provide the judge or jury commissioner with documentation that supports the  
3 request to be excused, such as federal and state income tax returns, payroll  
4 records, medical statements from physicians licensed pursuant to title 32,  
5 proof of dependency or guardianship or other similar documents. The judge  
6 or jury commissioner may excuse a person if the documentation clearly  
7 supports the request to be excused. These documents are not public records  
8 and shall not be disclosed to the general public.

9 4. Any THE PROSPECTIVE JUROR IS A peace officer who is certified by  
10 the Arizona peace officer standards and training board and who is employed  
11 as a peace officer by this state or any political subdivision of this state.  
12 The employer of a peace officer shall not in any way influence the peace  
13 officer to make or not to make an application to the court, pursuant to this  
14 section, to be excused from jury service.

15 C. A person who is excused temporarily pursuant to this section  
16 becomes eligible for qualification as a juror when the temporary excuse  
17 expires unless the person is permanently excused from jury service.

18 D. A person may be permanently excused only if the deciding judge or  
19 jury commissioner determines that the underlying grounds for being excused  
20 are permanent in nature.

21 Sec. 2. Section 21-222, Arizona Revised Statutes, is amended to read:  
22 21-222. Arizona lengthy trial fund

23 A. The Arizona lengthy trial fund is established consisting of monies  
24 received from the additional fees paid on all filings, appearances, responses  
25 and answers pursuant to section 12-115. The monies in the fund shall not be  
26 used for any purpose other than as prescribed in this section.

27 B. The supreme court shall administer the fund and shall adopt rules  
28 for the administration of the fund. Not more than three per cent of the  
29 monies in the fund shall be used for the reasonable and necessary costs of  
30 administering the fund. On or before the fifteenth day of each month, on  
31 receipt of a request for reimbursement the supreme court shall transmit  
32 monies from the fund to a jury commissioner for monies paid to a juror under  
33 this section, together with a fee of not less than the amount prescribed in  
34 section 12-284, subsection A, class E for each application for payment of  
35 replacement or supplemental earnings by a juror.

36 C. Beginning on July 1, 2004 and subject to the availability of  
37 monies, for jury trials that commence on or after July 1, 2004, monies in the  
38 fund shall be used to pay full or partial earnings replacement or  
39 supplementation to jurors who serve as petit jurors for more than ten days  
40 and who receive less than full compensation. The amount of replacement or  
41 supplemental earnings shall be at least forty dollars but not more than three  
42 hundred dollars per day per juror beginning on the eleventh day of jury  
43 service and at least forty dollars but not more than one hundred dollars per  
44 day from the fourth day to THROUGH the tenth day of jury service.

1 D. Beginning on July 1, 2004, a juror whose jury service lasts more  
2 than ten days may submit a request for payment from the fund. The amount a  
3 juror receives from the fund is limited to the difference between the state  
4 paid jury fee and the actual amount of earnings a juror earns, not less than  
5 forty dollars, up to the maximum level payable under subsection C of this  
6 section, minus any amount the juror actually received from the juror's  
7 employer during the same time period. A juror who requests payment from the  
8 fund:

9 1. Shall disclose on the form the juror's regular earnings, the amount  
10 the juror's employer will pay during the term of jury service starting on the  
11 eleventh day and thereafter, the amount of replacement or supplemental  
12 earnings being requested and any other information that the jury commissioner  
13 deems necessary.

14 2. Before receiving payment from the fund, shall submit verification  
15 from the juror's employer, IF ANY, regarding the earnings information that  
16 is provided under paragraph 1 of ~~this subsection~~. This verification may  
17 include the employee's most recent earnings statement or a similar document.

18 3. In order to verify the weekly income if the juror is self-employed  
19 or receives compensation other than wages, shall provide a sworn affidavit  
20 attesting to the juror's approximate gross weekly income, together with any  
21 other information that the supreme court requires.

22 E. JURORS WHO ARE UNEMPLOYED AND ARE NOT ELIGIBLE FOR PAYMENT PURSUANT  
23 TO SUBSECTIONS C AND D OF THIS SECTION ARE ELIGIBLE TO BE PAID FORTY DOLLARS  
24 PER DAY, EVEN IF THEY RECEIVE INCOME IN THE FORM OF SPOUSAL MAINTENANCE,  
25 PENSIONS, RETIREMENT, UNEMPLOYMENT COMPENSATION, DISABILITY BENEFITS OR OTHER  
26 SIMILAR INCOME. COMMISSIONERS SHALL NOT DEDUCT THESE OTHER FORMS OF INCOME  
27 IN CALCULATING THE AMOUNT THESE JURORS ARE TO BE PAID FROM THE FUND.

28 ~~E.~~ F. The supreme court shall annually report to the joint  
29 legislative budget committee on the amount of monies collected and disbursed  
30 from the fund and the number of jurors who received monies from the fund.

31 Sec. 3. Section 21-336, Arizona Revised Statutes, is amended to read:

32 21-336. Postponement of jury service

33 A. Persons who are scheduled to appear for jury service may postpone  
34 the date of their initial appearance for jury service two times only. On  
35 request, postponement shall be granted if all of the following apply:

36 1. The prospective juror has not ~~previously~~ been granted  
37 a ~~postponement~~ TWO PRIOR POSTPONEMENTS.

38 2. The prospective juror appears in person or contacts the jury  
39 commissioner by telephone, ~~OR~~ electronic mail or in writing to request a  
40 postponement.

41 3. A postponement shall not be for ~~more than three months after the~~  
42 ~~date on which the prospective juror originally was called to serve~~ WITHIN A  
43 TIME PERIOD DETERMINED BY THE JURY COMMISSIONER and shall be a date when the  
44 court will be in session.

1        B. A jury commissioner may approve a subsequent request for  
2 postponement of jury service only in the event of an extreme emergency that  
3 could not have been anticipated at the time the initial postponement was  
4 granted. The prospective juror is subject to being resummoned at the  
5 discretion of the jury commissioner.

6        Sec. 4. Emergency

7        This act is an emergency measure that is necessary to preserve the  
8 public peace, health or safety and is operative immediately as provided by  
9 law.

APPROVED BY THE GOVERNOR APRIL 23, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2004.